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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,490	06/06/2000	Bharat Tarachand Doshi	48-11	9155

7590 05/07/2004

Ryan & Mason LLP
90 Forest Avenue
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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/07/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,490

Applicant(s)

DOSHI ET AL.

Examiner

Barbara N Burgess

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to amendments filed on January 30, 2004. Claims 1-17 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomizawa et al. (hereinafter "Tomi", US 2001/0003833 A1).

As per claims 1, 16, and 17, Tomi discloses a method of routing traffic between first and second nodes in a network so as to provide protection against network failures, the method comprising the steps of:

- Routing units of traffic on corresponding sets of trunks connected between the first and second nodes such that the traffic is balanced between disjoint paths (paragraphs [0027]-[0029], [0031]-0032], [0080], [0082]);

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- Implementing a restoration process for the traffic utilizing at least one of a service layer switching and transport layer switching (paragraphs [0028], [0041], [0083], [0087], [0102], [0118]);
- A given one of the units of traffic comprising a unit of traffic to be transmitted in a direction from the first node to the second node (paragraphs [0027]-[0029], [0031]-0032], [0080], [0082]);
- Wherein the routing step separates the given unit of traffic into at least first and second portions of substantially equal size (paragraphs [0081]-[0083]);
- Wherein the routing step further comprises routing the given unit of traffic such that the at least first and second portions of the given unit of traffic are routed on the respective first and second trunks of a corresponding set of trunks, the traffic in the given unit of traffic thereby being balanced between at least a pair of disjoint paths comprising the first and second trunks (paragraphs [0027]-[0029], [0031]-0032], [0080], [0082]).

As per claim 2, Tomi discloses wherein the given unit of traffic comprises one or more OC-x units of traffic (paragraphs [0080]-[0082]).

As per claim 3, Tomi discloses wherein the service layer switching process comprises a packet-based switching process (paragraphs [0028], [0041], [0083], [0087], [0102], [0118]).

As per claim 4, Tomi discloses wherein the service layer switching process comprises an Internet protocol (IP) switching process (paragraphs [0028], [0041], [0083], [0087], [0102], [0118]).

As per claim 5, Tomi discloses wherein the first and second nodes are connected by first and second sets of trunks, each of the sets of trunks including multiple trunks, with each of the trunks in a given set of trunks supporting a designated portion of at least one of the units of traffic (paragraphs [0080]-[0082], [0087], [0096]-[0098]).

As per claim 6, Tomi discloses wherein the units of traffic are routed such that a first half of the given one of the units of traffic is routed on the first trunk, and a second half of the given unit is routed on the second trunk (paragraphs [0081]-[0083]).

As per claim 7, Tomi discloses wherein the restoration process is implemented using service layer switching (paragraphs [0028], [0041], [0083], [0087], [0102], [0118]).

As per claim 8, Tomi discloses wherein the first and second nodes are connected by first and second sets of trunks such that the nodes and sets of trunks form a four-trunk ring, wherein each of the first and second sets of trunks includes a primary trunk and a backup trunk (paragraph [0028], [0031], [0032], [0035], [0082], [0087], [0093], [0104]).

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As per claim 9, Tomi further discloses wherein at least one of the units of traffic is routed on one of an upper or lower portion of the ring (paragraphs [0083]-[0085], Figures 5-6, 13-14).

As per claim 10, Tomi discloses wherein the at least one unit of traffic is split equally between the primary trunk and the backup trunk associated with the upper and lower portion of the ring (paragraphs [0081]-[0083]).

As per claim 11, Tomi discloses wherein the at least one unit of traffic is routed entirely on the primary trunk associated with the upper or lower portion of the ring (paragraphs [0083]-[0085], Figures 5-6, 13-14).

As per claim 12, Tomi further discloses wherein the ring comprises an IP/optical hybrid ring, and the restoration process is implemented using service layer switching (paragraphs [0028], [0041], [0083], [0087], [0102], [0118]).

As per claim 13, Tomi discloses wherein the ring comprises a SONET/optical ring, and the restoration process is implemented using transport layer switching (paragraphs [0013], [0028], [0041], [0083], [0087], [0102], [0118]).

As per claim 15, Tomi discloses wherein the units of traffic are routed between the first and second nodes so as to provide an opportunity to implement an enhanced

quality of service for at least one of the units of traffic (paragraphs [0027]-[0029], [0031]-0032], [0080], [0082]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomizawa et al. (hereinafter "Tom", US 2001/0003833 A1) in view of Sakano et al. (hereinafter "Sakano", US 2001/0026384 A1).

As per claim 14, Tomi does not explicitly disclose wherein the first and second nodes comprise add-drop multiplexers connected by the sets of trunks, each of the add-drop multiplexers also being coupled to a corresponding router.

However, in an analogous art, Sakano discloses the use of add-drop multiplexers (paragraph [0060]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the add-drop multiplexers in Tomi's method in order for selecting either a drop route for extracting a signal to be output in a second direction or a through route for looping back the signal to the ring.

Response to Arguments

The Office notes the following arguments:

- (a) Dantu does not disclose the claimed balancing of traffic between disjoint paths.

In response to:

- (a) Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

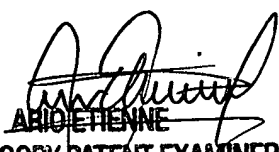
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Barbara N Burgess
Examiner
Art Unit 2157

April 27, 2004



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